

*June 15
1919*

Snohomish County, Washington
OFFICE OF
PROSECUTING ATTORNEY

Tigerett, Washington,
October 21, 1927

Board of School Directors
Edmonds School District No. 15
Edmonds, Washington

Gentlemen:

I have examined Abstract of Title No. 22431, prepared by the Snohomish County Abstract Company and certified by it on the 6th., day of June, 1919, at 8:00 A.M. and continued by Anderson Guaranty Abstract Company, and certified by it on the 12th., day of January, 1922 at 8:00 A.M. and continued by the Snohomish County Abstract Company to and certified by it on the 5th., day of October, 1927, at 8:00 A.M., and find that as shown by said Abstract at the date of its last certificate the title to the property covered by said Abstract, nemely Lot 2, Block 88, said City of Edmonds, Snohomish County, Washington, was in Rofena A. Miller, widow of O. L. Miller, subject to the following qualifications:

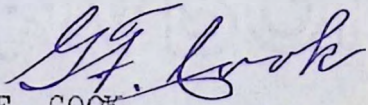
First: This property was deeded to Joanna Horsman on June 5, 1919 and the deed recites that said Joanna Horsman was unmarried. On January 27, 1922, Joanna Horsman deeded said property to O. L. Miller and it doesn't appear from the deed, whether either of them was married. This was a warranty deed. On April 24, 1924, Mrs. Joanna Horsman gave a quit claim deed to the same property to O. L. Miller, apparently having forgotten that she was unmarried and had given a warranty deed to the same property to the same grantee. In this deed she declares the property is the separate property of the grantor and on April 25, she made an affidavit that the property is still her sole and separate property. She signed this quit claim deed and the affidavit, Mrs. Joanna Horsman. On July 26, 1924, O. L. Miller and Rofena A. Miller, husband and wife, joined in mortgaging this property to Clara F. Tyrrell. Miller had previously, on January 27, 1922, mortgaged the same property without his wife joining with him. Mrs. Horsman's declaration in her deed and her affidavit, that this is her separate property, would not have any effect whatever upon any rights of any husband she may have had at the time she acquired title to the property on June 5, 1919. The law presumes that property acquired by either husband or wife, during their married life is the community property of both of them and it requires more than the declaration of the one claiming to be the

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sole owner of the property to overcome this presumption. From the fact that Mrs. Horsman has signed her name in the same way at different times would indicate that she was married before she acquired this property. If so, the simplest way to clear the title would be to get her and her husband to join in²quit claim deed. If this cannot be done and the fact is that she had been married and divorced prior to June 5, 1919, a certified copy of the decree of divorce should be filed with the Auditor of this County. If there is some other explanation of her taking a deed in the name of Joanna Horsman, unmarried and afterward giving a deed to the same property and signing her name Mrs. Joanna Horsman, I suggest you write me the explanation and I will then endeavor to tell you how to clear the title of the apparent community interest of Mrs. Horsman's husband. The Abstract does not disclose that O. L. Miller had a wife on January 27, 1922 or at any time prior to the giving of the mortgage by himself and Rofena A. Miller on July 26, 1924. So far as the records show, Miller may possibly have had a wife on January 27, 1922 other than Rofena A. Miller. I presume that someone who is disinterested can be found in Edmonds who will make an affidavit as to whether Rofena A. Miller was the wife of O. L. Miller on January 27, 1922, and if so, that should be done.

Second: The taxes for 1926 are due and delinquent and the Abstract does not show whether or not there are local improvement assessments levied by the City of Edmonds against the property.

Yours,


G. F. COOK

Deputy Prosecuting Attorney

GFC:BM